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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,705	02/24/2004	Younghee Jung	4208-4174	3679

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EXAMINER
PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
07/09/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/786,705	JUNG ET AL.	
	Examiner	Art Unit	
	Kavita Padmanabhan	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 April 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17-23,48-62,64-70 and 95-100* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,17-23,48-62,64-70 and 95-100* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Claims 16 and 63 have been cancelled.

2. Claims 97-100 have been added.

3. Claims 1-15, 17-23, 48-62, 64-70, and 95-100 are pending.

4. Claims 1-15, 17-23, 48-62, 64-70, and 95-100 are rejected.

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/24/09 has been entered.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1-3, 6-15, 17, 19-22, 48-50, 53-62, 64, 66-69, and 95-100** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robertson** (US 6,269,369) **in view of Burr** (US 2003/0045272).

In regards to **claim 1**, **Robertson** teaches a method, comprising:

- receiving data at a first hand-held device **(Robertson; col. 4, lines 56-60 – clients may be hand-held devices, such as Palm Pilots; col. 13, lines 18-23 – *"if a first user lives in Boston but is traveling to New York on March 5, then the first user will be informed if any contacts will be crossing paths on that day in either city";* Fig. 14)**;
- determining a match found between the data received at the first hand-held device and data associated with one or more other hand-held devices **(Robertson; Fig. 14; col. 16, Appendix A – shows matching)**;
- creating, at the first hand-held device, a log entry in accordance with the match **(Robertson; col. 20, Appendix I – a list constitutes a log of entries)**; and
- providing a socially-relevant recommendation to a user of the first hand-held device relating to the data received at the first hand-held device after one or more criteria have been met, wherein the criteria include a specification of at least a predefined number of

matches between the data received at the first hand-held device and the data associated with the one or more other hand-held devices **(Robertson; Fig. 8; col. 13, lines 18-23 - *"if a first user lives in Boston but is traveling to New York on March 5, then the first user will be informed if any contacts will be crossing paths on that day in either city"* – constitutes a socially-relevant recommendation after one or more criteria are met; col. 14, lines 27-61; Fig. 12)**.

Robertson does not expressly teach receiving data at a first hand-held device *from a second hand-held device via a short range communication* and determining, *at the fist hand-held device*, a match found between the data received at the first hand-held device and data associated with one or more other hand-held devices *within a short-range communication range of the first hand-held device*.

Burr teaches receiving data at a first hand-held device *from a second hand-held device via a short range communication* **(Burr; pars [0017], [0019])** and determining, *at the fist hand-held device*, a match found between the data received at the first hand-held device and data associated with one or more other hand-held devices *within a short-range communication range of the first hand-held device* **(Burr; par [0019])**.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Robertson in an ad hoc network as taught by Burr in order to allow communication between various devices that are within a certain proximity to each other **(Burr; par [0018])**.

In regards to **claim 2**, **Robertson and Burr** teach the method of claim 1, wherein the data received at the first hand-held device includes at least an identifier for data held by the second hand-held device **(Robertson; col. 10, lines 54-61; col. 11, lines 50-59; Fig. 7; col. 14, lines 27-61; Fig. 12)**.

In regards to **claim 3**, **Robertson and Burr** teach the method of claim 2, wherein the identifier is a unique identifier **(Robertson; col. 16, lines 7-21)**.

In regards to **claim 6**, **Robertson and Burr** teach the method of claim 2, wherein the data received at the first hand-held device includes a data element held by the second hand-held device **(Robertson; col. 4, lines 56-59; col. 11, lines 50-59; col. 14, lines 27-61; col. 16, lines 7-21)**.

In regards to **claim 7**, **Robertson and Burr** teach the method of claim 6, wherein the data element is a phone number **(Robertson; col. 11, lines 50-59; Fig. 7)**.

In regards to **claim 8**, **Robertson and Burr** teach the method of claim 6, wherein the data element is a universal resource locator **(Robertson; col. 16, lines 56-57)**.

In regards to **claim 9**, **Robertson and Burr** teach the method of claim 1, wherein the data received at the first hand-held device is not browsable by the user **(Robertson; col. 11, lines**

50-59; col. 16, lines 56-57 – for example, although not displayed/"browsable", address id must have been sent in order to update the local PIM data).

In regards to **claim 10**, **Robertson and Burr** teach the method of claim 1, further comprising determining if the user already possesses data relating to the recommendation **(Robertson; Fig. 14)**.

In regards to **claim 11**, **Robertson and Burr** teach the method of claim 1, wherein the recommendation is provided at a particular period of time after the one or more criteria have been met **(Robertson; col. 11, lines 28-32; col. 14, lines 27-30)**.

In regards to **claim 12**, **Robertson and Burr** teach the method of claim 1, wherein the recommendation is provided at a particular time of day after one or more criteria have been met **(Robertson; col. 11, lines 28-32; col. 14, lines 27-30 – "particular time of day" is a broad limitation; since a recommendation is clearly provided at a particular time, that time at which the recommendation is provided is interpreted to be "the particular time of day")**.

In regards to **claim 13**, **Robertson and Burr** teach the method of claim 1, wherein the recommendation is provided after the user performs an operation with the first hand-held device **(Robertson; col. 5, lines 5-19; Fig. 7; Fig. 12)**.

In regards to **claim 14**, **Robertson and Burr** teach the method of claim 1, wherein the recommendation suggests to the user addition of data relating to the data received at the first hand-held device **(Robertson; Fig. 8)**.

In regards to **claim 15**, **Robertson and Burr** teach the method of claim 14, wherein the data suggested for addition is held by the second hand-held device **(Robertson; col. 10, lines 10-16; Fig. 14; col. 16, lines 7-21)**.

In regards to **claim 17**, **Robertson and Burr** teach the method of claim 1, wherein Bluetooth is employed for the short-range communications **(Burr; par [0017])**.

In regards to **claim 19**, **Robertson and Burr** teach the method of claim 1, wherein one or more criteria provide for weighting of log entries **(Robertson; col. 20, Appendix I – certain matches/log entries are given higher/lower weight depending on permissions)**.

In regards to **claim 20**, **Robertson and Burr** teach the method of claim 1, wherein the recommendation is not provided after expiration of a validity period **(Robertson; col. 11, lines 28-32)**.

In regards to **claim 21**, **Robertson and Burr** teach the method of claim 1, wherein the data received at the first hand-held device is updated **(Robertson; col. 4, lines 42-45; Fig. 11)**.

In regards to **claim 22**, **Robertson and Burr** teach the method of claim 1, wherein the user is directed to a source for information regarding data suggested by the recommendation **(Robertson; Fig. 8; Fig. 11; Fig. 12 – the people listed are sources of information; col. 16, lines 56-57)**.

Claims 48-50, 53-62, 64, and 66-69 are rejected with the same rationale given for claims 1-3, 6-15, 17, and 19-22, respectively.

Claims 95 and 96 are each rejected with the same rationale given for claim 1.

In regards to **claim 97**, **Robertson and Burr** teach the method of claim 1, further comprising:

transmitting, to the second hand-held device via the short range communication, information corresponding to the log entry **(Robertson; col. 13, lines 1-26; 62-65; col. 14, lines 57-61; Burr; par [0019])**.

Claims 98-100 are each rejected with the same rationale given for claim 97.

9. **Claims 23 and 70** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robertson** in view of **Tsou et al.** (US 2002/0184089, hereinafter "Tsou").

In regards to **claim 23**, **Robertson** teaches the method of claim 1.

Robertson does not expressly teach an advertiser learning if the user complied with the recommendation.

Tsou teaches providing a wireless user with promotional advertisements and providing the advertiser with statistics regarding the effectiveness of those advertisements **(Tsou; par [0016] – par [0018])**.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Robertson, whereby users would be notified of promotional offers/recommendations from advertisers, and the advertisers would be notified of whether the users clicked on, i.e. complied with, the recommended promotions **(Tsou; par [0049]; par [0052])**.

Claim 70 is rejected with the same rationale given for claim 23.

10. **Claims 18 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robertson** in view of **Young et al.** (US 7,024,690, hereinafter "Young").

In regards to **claim 18**, **Robertson** teaches the method of claim 1.

Robertson does not expressly teach employing a one-way hash of a unique identifier associated with the second hand-held device in creating the log entry.

Young teaches employing one-way hashes of identifiers to enhance security of wireless communications **(Young; Abstract)**.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Robertson, whereby the communication of data between the user hand-held devices is made more secure by employing one-way hashing, as taught by

Young **(Young; Abstract)**. The data transmitted to/from the wireless clients of Robertson, which is then used in determining matches/log entries, would thereby be more trusted.

Claim 65 is rejected with the same rationale given for claim 18.

11. **Claims 4 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robertson** in view of **Bieganski et al.** (US 6,412,012, hereinafter "Bieganski").

In regards to **claim 4**, **Robertson** teaches the method of claim 2.

Robertson does not expressly teach the identifier being an international standard book number.

Bieganski teaches recommending books to users via international standard book number (ISBNs) based on matches with books already selected by the user **(Bieganski; col. 18, line 50 – col. 19, line 11)**.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Robertson, whereby ISBNs are sent to a user to recommend books that may be of interest to the user **(Bieganski; col. 18, line 50 – col. 19, line 11)**.

Claim 51 is rejected with the same rationale given for claim 4.

12. **Claims 5 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robertson** in view of **Spooner** (US 2005/0034099).

In regards to **claim 5**, **Robertson** teaches the method of claim 2.

Robertson does not expressly teach the identifier being an international mobile equipment identity identifier.

Spooner teaches the use of a session specific identifier within a Symbian OS **(Spooner; par [0023])**.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement the method of Robertson using a Symbian identifier, as taught by Spooner, in order to check whether users or devices have the necessary rights to communicate **(Spooner; par [0023])**.

Claim 52 is rejected with the same rationale given for claim 5.

Response to Arguments

13. Applicant's arguments filed 4/24/09 with respect to the prior art rejections of the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan July 4, 2009
Examiner, Art Unit 2161

/Kavita Padmanabhan/